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# EPA Mid-Atlantic Region Headlines

Monday, August 17, 2015

## \*\*\* DAILY HOT LIST \*\*\*

### Editorial: Green grants: But the region must go greener to fix its sewers

**PITTSBURGH POST-GAZETTE** (Sunday) If any city needs “green” roofs, it’s Pittsburgh, where heavy rain and an antiquated sewer system can combine for ecological disaster: raw sewage that occasionally spills into rivers and creeks. It will be fixed eventually (really — the Environmental Protection Agency insists), but even then, green roofs, which replace traditional building materials with a waterproof membrane and moisture-absorbing vegetation, are a terrific addition to a city. Applause is due the Pittsburgh Water and Sewer Authority, which is awarding \$250,000 in grants to support green initiatives that help manage storm water. The projects, announced last week, are impressive. Among them: a 2,000-square-foot green roof atop the Paramount Film Exchange building in Uptown; rain gardens and rain barrels in Larimer, Schenley Park, North Oakland and Bakery Square; green infrastructure planning studies and videos; and storm water containment systems such as bioswales, cisterns and trenches. Combined, the projects could reduce Pittsburgh’s storm water flow by 4 million gallons a year, and many of the projects are not only useful, but beautiful, such as new landscaping and planting at the Pittsburgh Zoo & PPG Aquarium and new trees along River Avenue in Troy Hill. Still, the initiative is minuscule compared to what Pittsburgh really needs: billions of dollars in work to modernize its embarrassingly primitive storm water and sewage management system. The clock is ticking on the federal consent decree that gives the Allegheny County Sanitary Authority and its member communities until 2026 to clean up their act. Green is good, but gray infrastructure is necessary, too, and it’s time for some action.

### Federal judge finds two WV surface mines in violation of clean water standards

**WEST VIRGINIA STATE JOURNAL** (Friday) A federal judge has found discharges from two West Virginia mountaintop removal coal mines have been in violation of clean water standards. Judge Robert Chambers U.S. District Court for the Southern District of West Virginia found Aug. 12 that Consol Energy subsidiary Fola Coal Co. has committed “at least one

violation" of its permits governing Fola Mine No. 2 and Fola Mine No. 6 in Nicholas and Clay counties. According to the court opinion, the mines discharged high levels of ionic pollution into Road Fork and Cogar Hollow, which are tributaries of Leatherwood Creek. The decision comes two years after the Ohio Valley Environmental Coalition, West Virginia Highlands Conservancy and Sierra Club filed the complaint against the companies in August 2013 through provision of the Clean Water Act and the Surface Mining Control and Reclamation Act. "This is a great victory for West Virginia waters and the animal and human communities that rely on clean, healthy water to survive," Liz Wiles, Chair of Sierra Club's West Virginia Chapter, said in a statement. "This is also a reminder to the coal industry that they cannot abandon their responsibilities and leave West Virginia taxpayers with the bill and the burden of cleaning up environmental degradation left behind by coal mining." The organizations that filed the original lawsuit also alleged the company's discharges from Fola Mine No. 4A into Right Fork violated narrative water quality standards under a state NPDES permit. However, the court said the plaintiffs didn't meet their burden in establishing liability for the allegations. Chambers previously found another Fola Coal surface mining operation to be in violation of federal water protection laws earlier this year. And at the end of 2014, Consol Energy was ordered to pay a total civil penalty of \$515,000 for selenium discharge from its Peg Fork and Fola mining operations. "Citizen enforcement has shown that the science is clear and that mine discharges have devastating effects on aquatic life," Jim Hecker, Environmental Enforcement Director at Public Justice, said in a statement. "This is the third time that a federal court has ruled, after a trial with lengthy expert testimony, that West Virginia surface coal mines are causing serious stream impairment. All three of these cases were brought by citizens, not by West Virginia or the US Environmental Protection Agency. "The court's post-trial decision today demonstrates the continuing need for citizen enforcement to protect water quality from this harmful mining pollution," Hecker said.

## **EPA Chief: 'Holding Ourselves To A Higher Standard'**

**NATIONAL PUBLIC RADIO** (Audio link) NPR's Scott Simon asks EPA administrator Gina McCarthy about the toxins released into a Colorado river this week by an EPA contractor working on a shuttered gold mine.

SCOTT SIMON, HOST: Boaters can go back to the Animas River. The Environmental Protection Agency is cleaning up political, as well as environmental damage, after this month's toxic spill at the Gold King Mine in Colorado. An EPA contractor accidentally released heavy metals into the Animas River during work to stop toxins from leaching out of the mine, which was shut decades ago. That spill turned the river into an unnatural yellow-orange ribbon that ran through the landscape. Gina McCarthy is administrator of the Environmental Protection Agency, and she joins us now. Administrator McCarthy, thanks very much for being with us.

GINA MCCARTHY: It's great to be here, Scott. Thanks for the invitation.

SIMON: And has that flow of toxins downstream been stopped?

MCCARTHY: Well, actually the plume has been moving down, and it's dissipated. And now the challenge for us is to make sure that we take a look at water quality, see what kind of users can return and then stay there for a while, while we look to make sure that the entire river is cleaned up from any damage associated with the spill. EPA has to take full responsibility, both today and in the future, for this.

SIMON: Do you know yet what and how this happened?

MCCARTHY: Not in detail, Scott, but, I mean, the important thing to remember is EPA was out there taking a look at assessing this mine because we knew that there was contamination from the mining areas entering into these rivers, and it had been going on for decades. But the important thing to remember is that these mining operations do leave wastewater behind, and three million gallons of it is what was released. And we feel terrible about that as the agency that's really working to make sure that this type of contamination doesn't happen. But there is a legacy issue here that we all have to turn our attention to.

SIMON: The legacy issue being - what? - thousands of mines - aren't there? - throughout the West.

MCCARTHY: Thousands of mines are there, yes. This is not by any means a situation that we're going to resolve just to take care of this three million gallon spill. This is thousands of mines in Colorado alone. And there is a need to throw some significant resources to this issue if we expect to get our arms around it and not see anything like this ever happen again.

## **Future oil and gas regulations to focus on public health issues**

**STATE IMPACT PENNSYLVANIA** The Department of Environmental Protection says the agency is developing a new set of oil and gas regulations to address public health concerns. DEP Secretary John Quigley told reporters on Wednesday of the planned regulatory package during a press call outlining the Department's latest round of updates to Chapter 78, the section of the Pennsylvania Code that governs construction and operation of oil and gas sites. "We're looking in part at public health protections because that's certainly one of the areas of biggest concern," said Quigley. "We want to make sure we are doing everything we can to protect health and the environment and given the time frame it takes to get regulations enacted, it's clear to us that we need to begin immediately on the next set of regulatory proposals." Quigley said those rules will likely be proposed by the end of the year. Public health advocates have long been pushing to be heard in Harrisburg regarding shale gas drilling issues, but had felt rebuked by the Corbett Administration. StateImpact Pennsylvania reported last year that Department of Health workers were silenced on drilling-related health inquiries. One veteran employee told StateImpact she was instructed not to return phone calls from residents who expressed health concerns about natural gas development. StateImpact also reported on a list of fracking "buzzwords" that if mentioned by a caller, the DOH employees were not allowed to speak to them. Health department employees also reported getting reprimanded for discussing anything related to shale gas at public meetings. Documents released earlier this year from the Pennsylvania Department of Health on fracking-related health complaints revealed a lack of follow-through and inaccurate record-keeping. The telephone logs, which span four years from 2011 to 2015, were gained through a Right-to-Know request.

## **Report: Brunner Island causing excessive smog; proposed changes not enough**

**YORK DISPATCH** York Haven's Brunner Island Power Plant may soon become the largest source of a smog-causing pollutant in Pennsylvania. The Sierra Club, an environmental organization, released a comprehensive report Thursday detailing the plant's contributions to smog as they relate to nitrogen oxide emissions. The report, which was created using research

from Sonoma Technology Inc., uses 2011 data, the most recent year complete data is available, according to Sierra spokesman Tom Schuster. According to the report, STI conducted an air quality modeling analysis that is consistent with federal Environmental Protection Agency protocol. In 2011, Brunner Island, York's only coal-burning power plant, was the third-largest source of nitrogen oxide in the state. The two plants that generated more — Keystone Generating Station in Armstrong County and Conemaugh Generating Station in New Florence — are both equipped with controls that can reduce nitrogen oxide emissions up to 90 percent, but the controls were not operating regularly or effectively, Schuster said. Brunner Island is the only large coal-burning power plant in Pennsylvania without the reduction controls or any other controls for nitrogen oxide pollution. **Brunner excluded:** A Pennsylvania Department of Environmental Protection proposed rule, nicknamed "the smog rule" by Sierra Club, would place restrictions on the amount of nitrogen oxide emissions power plants are allowed to produce, but the proposal would exclude Brunner Island since it doesn't currently have the controls in place. Brunner Island currently emits about three times more than the amount of pollution the proposal would allow other coal plants to produce, according to 2014 numbers reported to the EPA. Schuster said his organization is urging Democratic Gov. Tom Wolf's DEP, which previously amended the rule to lower the allowed emissions, to amend the rule so that it will also apply to Brunner Island.

## **Clean Power Plan Targets Poor and 'Red' States**

**WHEELING INTELLIGENCER** WHEELING - President Barack Obama's Clean Power Plan will lower electricity bills for those in the luxury of Beverly Hills, Calif. and Greenwich, Conn., but will mean skyrocketing power costs and thousands of lost jobs for those in Appalachia, coal industry leaders believe. Those leaders also believe it is more than a coincidence that states which voted overwhelmingly in Obama's favor during both the 2008 and 2012 elections - such as California, Connecticut and New York - will clearly benefit at the expense of those who solidly opposed him in states such as West Virginia and Kentucky. "It looks like they said, 'Let's target part of America that has trended toward the Republican Party because the national Democrat Party has drifted so far left,'" West Virginia Coal Association Vice President Jason Bostic said. "Apparently, low-income families don't matter to the national Democrat Party if they don't live in big cities." Data compiled from the Environmental Protection Agency, the Federal Election Commission and the U.S. Census Bureau appear to support Bostic's statements. The national CO<sub>2</sub> reduction goal is 32 percent, but some states are going to have to cut their pollution levels much more than others. The more work a state has to do to curb emissions, the greater its electricity bills stand to grow. The EPA-established goal for West Virginia is to slash carbon dioxide emissions from power plants by 37 percent by the year 2030. Though traditionally a Democrat state in presidential politics, West Virginia voters solidly opposed Obama in both 2008 and 2012, as he lost the state by almost 27 points in the most recent election. However, Connecticut only has to reduce its CO<sub>2</sub> power plant pollution by 7 percent by the year 2030. This state solidly supported Obama in both 2008 and 2012, giving him an 18-point victory against 2012 Republican nominee Mitt Romney.

## **Cape May-Lewes ferry a source of science data**

**WILMINGTON NEWS JOURNAL** It's one of those stinking hot days at the beach. And then you feel it. The wind changes direction. It blows a little stronger and the air temperature

drops almost instantly. It's the sea breeze and it's often what makes the coast of Delaware just a little milder on those hot summer days, when the sand is blistering but the air is mercifully cooler thanks to an on-shore breeze. Farther inland, it's so steamy the chickens are laying hard-boiled eggs, as the expression goes. Scientists understand how a sea breeze forms, but less well-studied is how it can influence weather and the potential for wind power. Dana Veron, associate professor of geography in the University of Delaware College of Earth, Ocean and Environment, is looking at the factors that influence Delaware's sea breeze. "Ultimately, the ability to predict sea breeze presence could help us forecast how and when wind turbines, clean sources of renewable energy will produce the most and the least energy," Veron said. Veron has a sea-going partner in her research. Special sensors and monitors in the bow-thruster compartment of the Cape May Lewes Ferry MV New Jersey take measurements of water temperature, salinity, dissolved oxygen and chlorophyll continuously as the ferry crosses Delaware Bay. The sensors measure barometric pressure, air temperature, humidity, wind speed and direction, water carbon dioxide and pH. "It's called a 'ship of opportunity,'" Veron said. "It's a vessel that can record data in areas and at times that traditional research vessels might not take regular measurements." Typically, research fleets maintained by university's and college take samples only when they are on specific cruises. But the ferry follows the same path multiple times day after day, month after month and year after year. Adding the sampling devices — which presently upload data to a university server every time the ship is at port — allows collection of a steady stream of data.

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## PENNSYLVANIA

### PHILADELPHIA INQUIRER

5 questions: Obama's clean power plan and lung health The battle over President Obama's clean power plan - in Congress and the courts, in the realms of commerce and common conversation - will rage for some time. But few are debating the value of the potential health benefits, which are expected to be significant. In the final rule announced Aug. 3, the U.S. Environmental Protection Agency has set a goal of reducing carbon pollution from the power-generating sector by 32 percent below 2005 levels by 2030. This major climate-change initiative focuses on power plants because they are a major contributor to carbon pollution, accounting for one-third of all carbon emissions in the U.S. The EPA has predicted that once the reductions are met, Americans will avoid up to 90,000 asthma attacks a year. Because of reduced absenteeism, they'll spend 300,000 more days in the office or classroom. About 3,500 premature deaths will be avoided. The American Lung Association supports the plan. Here to give more perspective on the health benefits is pulmonologist Albert A. Rizzo, senior medical adviser to the association. He also is chief of pulmonary and critical-care medicine at the Christiana Care Health System in Newark, Del., and clinical assistant professor of medicine at Thomas Jefferson University Medical School in Philadelphia.

**It may be a plan aimed at power plants, but how important is the public-health component? What's at stake?** At its simplest, the quality of our air. This is a major public-health initiative. From the standpoint of the American Lung Association, we feel that climate change is going to mean more extreme temperatures, and more extreme weather, all of which can affect people with lung disease, as well as those who don't have lung disease. Certainly, climate

change is going to mean more problems with poor air quality related to ozone and particulate matter, longer extremes of bad allergy seasons, more wildfires.

## **PITTSBURGH POST-GAZETTE**

Editorial: Green grants: But the region must go greener to fix its sewers (Sunday) If any city needs “green” roofs, it’s Pittsburgh, where heavy rain and an antiquated sewer system can combine for ecological disaster: raw sewage that occasionally spills into rivers and creeks. It will be fixed eventually (really — the Environmental Protection Agency insists), but even then, green roofs, which replace traditional building materials with a waterproof membrane and moisture-absorbing vegetation, are a terrific addition to a city. Applause is due the Pittsburgh Water and Sewer Authority, which is awarding \$250,000 in grants to support green initiatives that help manage storm water. The projects, announced last week, are impressive. Among them: a 2,000-square-foot green roof atop the Paramount Film Exchange building in Uptown; rain gardens and rain barrels in Larimer, Schenley Park, North Oakland and Bakery Square; green infrastructure planning studies and videos; and storm water containment systems such as bioswales, cisterns and trenches. Combined, the projects could reduce Pittsburgh’s storm water flow by 4 million gallons a year, and many of the projects are not only useful, but beautiful, such as new landscaping and planting at the Pittsburgh Zoo & PPG Aquarium and new trees along River Avenue in Troy Hill. Still, the initiative is minuscule compared to what Pittsburgh really needs: billions of dollars in work to modernize its embarrassingly primitive storm water and sewage management system. The clock is ticking on the federal consent decree that gives the Allegheny County Sanitary Authority and its member communities until 2026 to clean up their act. Green is good, but gray infrastructure is necessary, too, and it’s time for some action.

The Sierra Club fronts for ‘green’ billionaires Environmentalists use their pull with the EPA to advance the cause of clean-energy investors. Cronyism isn’t popular these days. It never really has been, but growth in public awareness of the problem has forced special interests to get more creative in how they approach their rent-seeking. So it comes as no surprise to see a new report outlining how billionaires such as Michael Bloomberg have co-opted the Sierra Club to serve as proxy advocates for their personal business interests. It’s no secret these “green” billionaires are in the game to make money. They are at the forefront of investing in upstart green companies, many of which need government support in order to survive. It now appears that in addition to giving money directly to politicians to gain favors, benefits and handouts for their favorite investments, they have also hijacked non-profit environmental groups for their benefit. A new report released recently from the Energy & Environment Legal Institute documents how the Sierra Club’s largest donors accrue economic benefits from the activities of the environmental conservation group. Taking advantage of the club’s reputation as a steward of the environment, they’ve funneled millions into efforts to shut down traditional energy sources in order to benefit their own economic interests and investments.

Lobbyist spending in Harrisburg trending upward Even in a budget season as contentious as this year’s, Gov. Tom Wolf’s plan to raise taxes on tobacco products would seem like a winner. Pennsylvania is the only state that doesn’t charge an additional tax on smokeless tobacco, and one of two not to tax cigars. “In the polls I’ve done, taxing cigars and smokeless tobacco has been very popular,” said veteran state pollster Terry Madonna. But politicians have at least 8,627,278 reasons to oppose the idea — one for every dollar the nation’s two largest tobacco

companies have spent lobbying Harrisburg since 2007. RAI Services and Altria Client Services are far from Harrisburg's biggest spenders. According to a Post-Gazette review of a Pennsylvania's Department of State database, nearly 2,700 interest groups have spent \$791 million lobbying in Harrisburg between 2007 and March 2015. Tobacco is dwarfed by health care concerns and the Marcellus Shale industry, also the target of a tax proposed by Mr. Wolf.

Commentary: Federal policies still favor coal Don't believe that the coal industry is under siege by the government. With the release of its Clean Power Plan earlier this month, the Obama administration took a landmark step toward leveling the playing field among renewable and fossil-fuel energy sources that will be powering our homes and businesses for decades to come. Wind and solar energy, for example, will now be allowed to compete more fairly with coal, whose high external costs — including carbon pollution, respiratory illness and premature deaths — have long been overlooked or ignored. Yet, even with the Clean Power Plan in place, little-known federal policies and subsidies at the Department of the Interior will continue to tilt U.S. energy markets in favor of coal. Forty percent of U.S. coal is mined on national forests and other public lands owned by American taxpayers, 90 percent of which is dug from sprawling strip mines in the Powder River Basin in Wyoming and Montana. With the help of federal subsidies and low federal royalty rates, some of the world's largest coal companies have been expanding their holdings of public lands in the Powder River Basin and flooding U.S. and international energy markets with discounted and subsidized coal. Federal coal from the Powder River Basin can undercut the price of competing coal sources and other fuel supplies as far away as Pennsylvania and China. This federal coal is so widely burned that it now accounts for one-tenth of U.S. greenhouse gas pollution — a share that could well increase in the coming years.

### **WESA - PITTSBURGH'S NPR STATION**

Land Developer Accused Of Filing Harassment Suit Against Fractivists A coalition representing students attending Mars Area School District teamed up with the American Civil Liberties Union to fight a lawsuit brought by shale drilling corporations that contends the group's actions are halting appropriate and legal drilling opportunities. ACLU of Pennsylvania Legal Director Vic Walczak called the suit filed by Dewey Homes & Investment Properties a "SLAPP" suit, or strategic lawsuit against public participation. Such suits have been made illegal in nearly half of U.S. states including Pennsylvania. "What these are is lawsuits that really have no merit that are typically filed by corporate interests, often developers, against political opponents," Walczak said. "And they have virtually no chance of succeeding." Rex Energy first proposed a Marcellus shale drilling pad on a farm about three-quarters of a mile from Mars Area High, Middle and Centennial schools in March, which school directors denied. Current state law requires only a 500-foot buffer between school buildings and drilling sites. The Mars Parent Group and others have implored local government to create a two-mile no-drill zone around all school buildings in Middlesex Township and collected signatures on an administrative challenge to the drilling permit. Dewey Homes filed suit with 12 other Marcellus shale gas leaseholders against the Clean Air Council, the Delaware Riverkeeper Network and four Middlesex citizens in May. "All of that is constitutionally protected activity and they cannot be sued for that," Walczak said. The ACLU sent a letter last week to Dewey Homes' law firm Jones, Gregg, Creehan & Gerace requesting the suit be withdrawn. If it's not and the clients are successfully defended, Walczak said the clients may ask for legal fees and damages associated with the suit, including emotional distress. "These are not folks who are used to being in court," Walczak said. "They did not

bargain for getting sued simply because they stood up at township meetings and said, ‘Hey, we don’t want this drilling across the street from our kids’ school.’” Rex Energy temporarily halted all activity at the Geyer farm in June following a court injunction. The ACLU motion to dismiss the original suit is set to be heard in Butler County Court of Common Pleas on Sept. 17.

### **STATE IMPACT PENNSYLVANIA**

Future oil and gas regulations to focus on public health issues The Department of Environmental Protection says the agency is developing a new set of oil and gas regulations to address public health concerns. DEP Secretary John Quigley told reporters on Wednesday of the planned regulatory package during a press call outlining the Department’s latest round of updates to Chapter 78, the section of the Pennsylvania Code that governs construction and operation of oil and gas sites. “We’re looking in part at public health protections because that’s certainly one of the areas of biggest concern,” said Quigley. “We want to make sure we are doing everything we can to protect health and the environment and given the time frame it takes to get regulations enacted, it’s clear to us that we need to begin immediately on the next set of regulatory proposals.” Quigley said those rules will likely be proposed by the end of the year. Public health advocates have long been pushing to be heard in Harrisburg regarding shale gas drilling issues, but had felt rebuked by the Corbett Administration. StateImpact Pennsylvania reported last year that Department of Health workers were silenced on drilling-related health inquiries. One veteran employee told StateImpact she was instructed not to return phone calls from residents who expressed health concerns about natural gas development. StateImpact also reported on a list of fracking “buzzwords” that if mentioned by a caller, the DOH employees were not allowed to speak to them. Health department employees also reported getting reprimanded for discussing anything related to shale gas at public meetings. Documents released earlier this year from the Pennsylvania Department of Health on fracking-related health complaints revealed a lack of follow-through and inaccurate record-keeping. The telephone logs, which span four years from 2011 to 2015, were gained through a Right-to-Know request.

PUC steps up efforts to advocate for pipeline safety Public Utility Commission vice chairman John Coleman Jr. spoke about pipeline safety with Scott LaMar, host of WITF’s Smart Talk on Friday. Coleman praised StateImpact’s reporting on pipeline safety, and told LaMar that no one regulatory authority has a map of all the pipelines in the state. “Mapping of pipelines in Pennsylvania is an important priority,” said Coleman. The federal government has authority over large, interstate pipelines. The PUC has authority over smaller pipelines that do not cross state boundaries. Some of these are called gathering lines, and feed the gas or oil from a well into the larger network of transmission lines. But in rural areas, known as “class one,” gathering pipelines fall into a regulatory black hole. Pipeline operators in those areas are required under Pennsylvania’s Act 127, to register with the PUC. But they only have to report the mileage totals for each county in which they operate. Since the state’s new pipeline law went into effect in 2012, operators have submitted records for about 13,000 miles of gathering lines. But because most of those lines are in rural areas, the PUC only has authority for regulating about 1100 miles, or about eight percent.

### **ERIE TIMES-NEWS**

Algae blooms in Lake Erie continue to be a concern Erie isn’t likely to see the same level of harmful algae blooms on Lake Erie that contaminated drinking water in the Toledo area, but that

doesn't mean officials here aren't monitoring for toxins or working to prevent the problem. "What we have going on here is nothing like what's going on in the western basin (of Lake Erie)," said Jeanette Schnars, executive director of the Regional Science Consortium. However, members of a local multiagency harmful algae bloom task force continue to check water along Lake Erie beaches and around Presque Isle Bay for harmful accumulations of algae caused in part by excess nutrients like phosphorus and nitrogen. They also have suggestions for what farmers, gardeners, people with lawns and pets, and others can do to decrease the likelihood of HABs. Blooms typically start to peak at this time of year and have been increasing in the past decade. They can negatively affect water quality, as happened in Toledo in 2014, but don't always contain toxins like microcystin that can cause rashes, blisters, hives, eye and nose irritations, diarrhea, vomiting, dizziness and headache in humans, and staggering, difficulty breathing, convulsions, salivation, weakness, vomiting, paralysis and death in animals. Blooms also can put a damper on recreation and tourism. "People don't like to swim, play, fish or boat in water experiencing a harmful algal bloom," said Nate Irwin, an aquatic biologist with the state Department of Environmental Protection's Office of the Great Lakes. Erie is along the lake's central basin near the border with the eastern basin. The lake is deeper here, with less nutrients, Irwin said. Schnars said the western basin is shallower with warmer water and a higher level of nutrients.

## **HARRISBURG PATRIOT NEWS**

Commentary: Here's how Pa. is keeping natural gas pipelines safe Natural gas pipelines have a permanent place in the news these days, and not always for positive reasons. We sense a general skepticism about state and federal agencies, who share jurisdiction, because consumers do not have access to a complete map of pipelines running beneath them. At the Pennsylvania Public Utility Commission, we want consumers to know that pipeline safety is an enormous priority that we do not take lightly. We have been working toward a comprehensive mapping solution for three years, and we believe more complete and accurate maps could prevent accidents. The PUC houses a Gas Safety Division, led by Gas Safety Chief Paul Metro, who serves alongside commission Chairwoman Gladys Brown on Gov. Tom Wolf's Pipeline Infrastructure Task Force. He lends the group extensive pipeline safety experience from both the state and federal levels. Brown, meanwhile, leads the task force's Pipeline Safety and Integrity work group. Improving pipeline maps has been a priority at the Commission for several years, and it will be an ongoing discussion on the pipeline task force. The PUC's Gas Safety Division has access to and has reviewed all maps of jurisdictional pipeline operators. But it is true that no single comprehensive map currently exists of all pipelines running through Pennsylvania.

Pennsylvania saves 15 farms in midstate region (Friday) The state Department of Agriculture on Thursday announced it has preserved another 29 farms throughout 16 counties. Nearly half of the 2,857 acres forever saved for agricultural use is sprawling land throughout the midstate region. Some 15 farms on 1,377 acres were protected in Berks, Cumberland, Dauphin, Lancaster and York Counties. Since 1989, more than 4,800 Pennsylvania farms have been forever saved from development. It's an effort that has spared nearly 512,000 acres of wide, open space from becoming strip malls or housing developments. Throughout the 1980s and 1990s, that fertile ground was at great risk for development. For example, from 1992 to 1997, Pennsylvania was sixth on the list of U.S. states losing the most farmland. Now, Pennsylvania ranks first in the nation for its high number of preserved acres. Making that possible was a state farmland

preservation program signed into law in 1989 by former Gov. Robert Casey. The current governor also seems to support what the state Department of Agriculture says is a \$74 billion return for Pennsylvania's economy. Gov. Tom Wolf's proposed budget for fiscal year 2015-16 includes \$30 million for farmland preservation through the Agricultural Conservation Easement Purchase Fund line item — a \$2.5 million, or 9 percent, increase compared to the previous fiscal year.

### **WILKES-BARRE CITIZENS VOICE**

Gas and power march together in NEPA (Sunday) Eight years ago, Jim Adams closely followed plans to upgrade liquefied natural gas terminals, searching for a source of imported gas that would fuel his company's power plants. "Was it coming from Nigeria? Where was it going to come from?" he said. "Then the world changed." Enormous gas production driven by horizontal drilling and hydraulic fracturing in the Marcellus Shale in Pennsylvania has turned U.S. gas markets upside down. Now, that seismic shift is spreading to the electric power industry and Northeastern Pennsylvania is the epicenter of that change. At stake are the future of Northeastern Pennsylvania communities targeted for pipeline and power plant projects that will change the region's landscape and consumers who will see price fluctuations when heat and power compete for natural gas in the nation's pipelines. Ultimately, Americans' choice for power generation, the highest-emitting sector of greenhouse gases in the world's second-highest-emitting economy, will have implications for the global climate. Adams is senior vice president of fuels for Texas-based Panda Power Funds. The company's 829-megawatt Liberty natural gas-fired power plant in Asylum Township., Bradford County and same-sized Patriot plant in Clinton Township, Lycoming County, are part of the first generation of new, large generating plants that could proliferate in Pennsylvania and beyond. Northeastern Pennsylvania's gas prices are regularly the lowest in the U.S., an important factor behind the wave of projects planned for the region. Meanwhile, generators who sell to the region's wholesale electricity market will also get one of the country's highest rates for their power. "We do try to site our plants in locations to receive the cheapest gas and then turn around and sell to the best power market we can find," Adams said. Since 2008, the average price of natural gas sold to Pennsylvania electrical plants has been cut nearly in half, declining from a high of \$10.46 per thousand cubic feet to \$5.04 per thousand cubic feet in 2014, according to the U.S. Energy Information Administration. Panda is one of several electricity generators with plans for the area. Chicago firm Invenergy LLC is awaiting state and local approvals for its 1,500-megawatt natural gas plant in Jessup. Virginia-based Moxie Energy has also proposed a 1,050-megawatt plant in Salem Township, Luzerne County.

### **YORK DISPATCH**

Report: Brunner Island causing excessive smog; proposed changes not enough York Haven's Brunner Island Power Plant may soon become the largest source of a smog-causing pollutant in Pennsylvania. The Sierra Club, an environmental organization, released a comprehensive report Thursday detailing the plant's contributions to smog as they relate to nitrogen oxide emissions. The report, which was created using research from Sonoma Technology Inc., uses 2011 data, the most recent year complete data is available, according to Sierra spokesman Tom Schuster. According to the report, STI conducted an air quality modeling analysis that is consistent with federal Environmental Protection Agency protocol. In 2011, Brunner Island, York's only coal-burning power plant, was the third-largest source of nitrogen oxide in the state. The two plants that generated more — Keystone Generating Station in Armstrong County and Conemaugh

Generating Station in New Florence — are both equipped with controls that can reduce nitrogen oxide emissions up to 90 percent, but the controls were not operating regularly or effectively, Schuster said. Brunner Island is the only large coal-burning power plant in Pennsylvania without the reduction controls or any other controls for nitrogen oxide pollution. **Brunner excluded:** A Pennsylvania Department of Environmental Protection proposed rule, nicknamed "the smog rule" by Sierra Club, would place restrictions on the amount of nitrogen oxide emissions power plants are allowed to produce, but the proposal would exclude Brunner Island since it doesn't currently have the controls in place. Brunner Island currently emits about three times more than the amount of pollution the proposal would allow other coal plants to produce, according to 2014 numbers reported to the EPA. Schuster said his organization is urging Democratic Gov. Tom Wolf's DEP, which previously amended the rule to lower the allowed emissions, to amend the rule so that it will also apply to Brunner Island.

### **ASSOCIATED PRESS (Pa.)**

DEP prepares to release new state oil, gas site regulations (Friday) New state regulations on oil and gas sites are nearing the home stretch of the rule-making process. The latest version of changes to Chapter 78, which regulates how oil and natural gas companies should behave both at traditional well sites and shale gas sites, were unveiled Wednesday by Department of Environmental Protection Secretary John Quigley and Deputy Secretary Scott Perry. Here are five important facts about the proposed rules:

- If drillers contaminate a water supply, they must restore it to its conditions before drilling or to standards that meet the state's Safe Drinking Water Act, whichever is better. In earlier versions, drillers only had to restore water to pre-drilling conditions.
- The new version does not include regulations for noise on well sites. Though state law requires the DEP to regulate public nuisances, "it was clear based on the comments we received that the noise regulation at this point in time was premature," Perry said Wednesday. Instead, the department will publish a non-binding guidance document on best practices to reduce noise, he said.
- Gas companies must close pits where they store waste within three years of the final regulations or obtain a permit through the department's waste division.
- If the well site lies within 100 feet of a state-designated "high quality" or "exceptional value" water body or wetland, the gas company must demonstrate how their operations will protect those bodies of water.
- The department added schools and playgrounds to the list of "public resources" in the 200-foot radius the DEP must consider when issuing a well permit. Drillers can still put a well within 200 feet of a school or playground, but the DEP must consider them and other public goods like state lands, historical sites, scenic rivers or landmarks. Drilling operations cannot impede people's use of these resources. The updated regulations span 291 pages and are available on the home page of the DEP website by clicking the "Oil and Gas Rulemaking" button.

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## **WASHINGTON, D.C.**

### **WASHINGTON POST**

The U.S. is now at wildfire preparedness level 5 — the highest there is (Friday) Back in June,

the federal government was very worried that a bad wildfire season might be coming, exacerbated by drought throughout much of the west. And now it has come to pass: On Thursday, the so-called National Preparedness Level for wildfires was elevated to 5, the highest there is, meaning that “geographic areas are experiencing major incidents which have the potential to exhaust all agency fire resources.” Indeed, large fires are now burning in 11 states, including 12 in Oregon and 14 in California. “Given the continuing hot and dry weather and the increase in fire activity in the western US, the decision to move to Preparedness Level 5 depicts the complexity that fire managers are encountering to assure that adequate firefighting resources are available for protection of life, property and our nation’s natural resources,” says the National Interagency Fire Center. Overall, 6,471,748 acres have burned across the U.S. so far in 2015, well ahead of the 10 year average for this time of year. Last week the U.S. Forest Service released a new report saying that the costs of fighting wildfires is spiking and consuming an ever larger percentage of the agency’s budget — projected to be over 50 percent of it this year.

Blog: What live peer review looks like when the fate of the planet is at stake (Friday) Last month, a scientific paper appeared that kicked off what is, by any stretch, the most interesting climate science debate of the year. In the paper, former NASA climate expert James Hansen, who is widely credited with putting the climate issue itself on the map, collaborated with 16 other researchers to outline a pretty dire climate scenario. Their vast paper contemplated alarming new climate feedback loops involving the Southern Ocean, which could lead to rapid Antarctic ice sheet destabilization and dramatic sea level rise, potentially in this century. In 2013, the consensus body of climate science, the U.N.’s Intergovernmental Panel on Climate Change, stated that sea level rise by 2100 could, at the high end, be about a meter. But here in this paper were Hansen and colleagues suggesting it could be “several meters” within 50, 100, or 200 years, depending on how fast the rate of ice loss from Greenland and Antarctica is able double. The Hansen study, however, had not yet been peer reviewed. It appeared in a “discussion journal,” Atmospheric Chemistry and Physics Discussions, where peer review happens in the form of public, published comments. After that, reviewers and the journal decide on whether to formally publish the work (in Atmospheric Chemistry and Physics), and with what revisions.

Following the OPM data breach, Uncle Sam needs to step up recruitment of young cyber talent Better than any report on the federal government’s “critical skills gap,” the cybertheft of 22 million federal personnel records demonstrates Uncle Sam’s need for cyber experts. So when the University of Central Florida Knights, the 2015 National Collegiate Cyber Defense Competition champions, traveled to Washington recently as part of their victory tour, it was a great opportunity for them to get a taste of cyber careers in the federal government. They did, but too late. Most of them were already committed to private industry. That illustrates one reason cybersecurity, or more accurately cyber-insecurity as shown by the Office of Personnel Management data breach, remains on the Government Accountability Office’s 2015 high-risk list. “Although steps have been taken to close critical skills gaps in the cybersecurity area,” GAO says, “it remains an ongoing problem and additional efforts are needed to address this issue government-wide.” Part of that effort should be recruiting bright, creative and eager folks like those in the Knights. Recruiters also should look for older cyber experts with valuable experiences. During a Federal Diary conversation with two Knight team members, it was clear they are impressed with the government’s mission, even while noting shortcomings in Sam’s

recruiting efforts.

Commentary: We need a miracle on climate changeIn recognition that Internet questionnaires get more eyeballs than earnest columns on energy policy, here is today's quiz on obscure presidential history: When President George W. Bush met Bill Gates for the first time, the topic of discussion was (A) nuclear power, (B) rural Internet access, (C) global health, or (D) all of those subjects, in considerable depth, in that order. Those who find "D" surprising don't get the concept of leading test questions and don't know much about either participant. As a fly on the wall at their lunch, I watched two men with a wonkish interest in energy policy talk over my head for 15 or 20 minutes about nuclear power plant design. (Gates has since become a major investor in one design that would utilize depleted uranium, essentially running on its own waste.) In the case of energy, rigor requires rethinking. Gates is ruthless (and not always politically correct) in pressing the assumptions of the environmental movement to their logical conclusion. If climate scientists are right about the pace of global warming, and about the total amount of carbon dioxide that humans can emit in the future without potentially catastrophic consequences, then we currently do not have feasible policy responses that are adequate to the need, even if we had far greater political will.

### **WUSA TV 9**

Part of O St in DC reopens as 'green street' (Friday) A part of O Street NW closed to traffic for more than 35 years was reopened as a "green street" on Friday. District of Columbia Mayor Muriel Bowser and other officials, including EPA Region III Administrator Shawn Garvin, DOEE Director Tommy Wells and Chesapeake Bay Trust Executive Director Dr. Jana Davis, attended a ribbon cutting ceremony to reopen the 200 block of O Street NW. The road will collect thousands of gallons of stormwater "and help protect area streams and rivers," according to the mayor's office. One of Gates's contributions as a public-minded billionaire — as opposed to turning the Republican presidential nomination process into a second-rate reality television show — is to bring a dose of reality to the achievement of large humanitarian goals. The (almost) end of polio. The vaccination of children on a global scale.

### **WASHINGTON DC SUN TIMES**

Portion of DC street reopens after 38 years A section of O Street in Northwest D.C. has been closed since 1977 and has now reopened as a "green" street. The street, located behind Dunbar High School, will make the city more environmentally friendly.

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## **DELAWARE**

### **WILMINGTON NEWS JOURNAL**

Cape May-Lewes ferry a source of science data It's one of those stinking hot days at the beach. And then you feel it. The wind changes direction. It blows a little stronger and the air temperature drops almost instantly. It's the sea breeze and it's often what makes the coast of Delaware just a little milder on those hot summer days, when the sand is blistering but the air is mercifully cooler thanks to an on-shore breeze. Farther inland, it's so steamy the chickens are

laying hard-boiled eggs, as the expression goes. Scientists understand how a sea breeze forms, but less well-studied is how it can influence weather and the potential for wind power. Dana Veron, associate professor of geography in the University of Delaware College of Earth, Ocean and Environment, is looking at the factors that influence Delaware's sea breeze. "Ultimately, the ability to predict sea breeze presence could help us forecast how and when wind turbines, clean sources of renewable energy will produce the most and the least energy," Veron said. Veron has a sea-going partner in her research. Special sensors and monitors in the bow-thruster compartment of the Cape May Lewes Ferry MV New Jersey take measurements of water temperature, salinity, dissolved oxygen and chlorophyll continuously as the ferry crosses Delaware Bay. The sensors measure barometric pressure, air temperature, humidity, wind speed and direction, water carbon dioxide and pH. "It's called a 'ship of opportunity,'" Veron said. "It's a vessel that can record data in areas and at times that traditional research vessels might not take regular measurements." Typically, research fleets maintained by university's and college take samples only when they are on specific cruises. But the ferry follows the same path multiple times day after day, month after month and year after year. Adding the sampling devices — which presently upload data to a university server every time the ship is at port — allows collection of a steady stream of data.

### **DELAWARE CAPE GAZETTE**

Rehoboth begins outfall survey work Rehoboth Beach — Rehoboth Beach engineers have begun utility surveying work along the route of the city's proposed ocean outfall, resulting in possible road closures for the next two weeks. Locators for engineering firm GHD began locating utility lines from the city's wastewater treatment plant along State Road. Their work will take them to the proposed end point of the outfall pipe in the Deauville Beach parking lot. Road closures will temporarily affect traffic on Bay and State roads, Grove and Canal streets, Park Place on the Canal, Grove Park, Henlopen Avenue and the Deauville Beach parking lot. Most traffic delays in these areas are expected to last only a day or two except for Henlopen Avenue, which is expected to take three days. A bulk of the force main construction is scheduled to take place along Henlopen Avenue heading towards Deauville Beach. The outfall itself would end up 6,000 feet off Deauville Beach. Rehoboth voters approved \$52.5 million in funding for the outfall project in a referendum vote June 27, although the vote is being challenged in U.S. District Court.

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## **WEST VIRGINIA**

### **CHARLESTON GAZETTE-MAIL**

Citizen group seeks restitution from Freedom officials With guilty pleas by two former top Freedom Industries officials expected this week, a local citizen group is urging a federal judge to order those officials to pay restitution in the form of funding to be used for local water quality and public health projects. People Concerned About Chemical Safety asked U.S. District Judge Thomas E. Johnston to order restitution to be paid by Freedom officials who are convicted or plead guilty to crimes related to the January 2014 chemical spill that contaminated the drinking water supply for hundreds of thousands of residents in Charleston and surrounding communities. "The Elk River chemical leak had life-altering impacts for those who experienced it," wrote

Maya Nye, executive director of the organization, known as PCACS, in a letter to Johnston. "Undoubtedly, this and other lawsuits resulting from the disaster will produce much evidence to this effect. "While many people have resumed normal water consumption, fear and mistrust amongst the populace lingers," Nye wrote. "Other cases have produced awards that assist the communities in resiliency efforts following similar crimes. In order to help the victims recover from this community trauma, this case should follow suit." Nye suggested that restitution money could help to fund chemical accident prevention efforts, water quality or infrastructure improvements, or development of long-term public health data and prevention strategies resulting from the Elk River spill. Under the federal Crime Victims' Rights Act, victims are entitled to "full and timely restitution." The U.S. Attorney's office for Southern West Virginia noted the requirement for restitution in a public notice to victims of the spill of MCHM and other chemicals from Freedom's Etowah River Terminal, located just 1 1/2 miles upstream from West Virginia American Water's regional water intake.

Customers could pay for upkeep of closed WV power plants Appalachian Power customers might have to pay for a West Virginia Public Service Commission request that the electric company maintain the recently closed Kanawha River and Philip Sporn power plants over the next four years. Commissioners recently responded to a petition by Appalachian Power that asked them to confirm that any costs associated with maintaining those aging coal-fired power units at the PSC's behest would be considered in a future rate case. In the order, the commissioners reiterated that any permit fees or maintenance costs undertaken at the Kanawha River or Philip Sporn plants could be included in a future rate case. "Given that the Commission has urged APCo to maintain infrastructure at Kanawha River, and to give careful consideration of future plans for Philip Sporn, payment of fees for operating permits appears prudent," the PSC wrote. "The Commission will consider recovery of those costs in an appropriate case." The decision comes more than three months after the PSC staff opened up the case that sought to review the closure of several regional coal-fired power units and more than a month after the commission requested that Appalachian Power officials maintain the Kanawha River plant, in case it could be converted to natural gas in the future. The commissioner's request to maintain the Kanawha River plant and equipment at the Philip Sporn plant could cost customers hundreds of thousands of dollars in the future when the company files its next rate case. Jeri Matheney, Appalachian Power's communication director, said it would cost at least \$620,000 to maintain the air permits for the closed plants and an undetermined amount to maintain and repair equipment. She said the biggest costs for upkeep would include the maintenance of the turbine generator train and boiler equipment at the plants. In PSC documents, the commissioners suggested that it would not make sense for the company to dismantle or sell off any equipment at the Kanawha River. However, during the case, Appalachian Power officials opposed the review, arguing that the Kanawha River and other plants, including Philip Sporn, were too old for conversion and would not make sense economically. During the case, the commissioners questioned why the company could convert units at the Clinch River plant in Virginia to natural gas, but couldn't convert units at the Kanawha River plant. Appalachian Power officials argued that Clinch River was more suitable for conversion because the units weren't as old and were closer to natural gas pipelines.

Testing for cause of Yeager landslide adds to remediation costs Nearly half of a \$995,000 engineering fee being spent to design the removal of Yeager Airport's safety overrun area

landslide and the stabilization of the slope from which it fell can be attributed to planning designed to accommodate forensic tests by parties involved in lawsuits stemming from the March 12 collapse, Airport Director Terry Sayre told members of Yeager's construction committee on Friday. Sayre said that according to a breakdown of costs incurred by project designer Schnabel Engineering, about \$434,000 of the fee can be attributed to lawsuit-related testing, which includes the sampling of fill material at prescribed depths and distances from the lip of the slide, as the unstable area is being removed. At least 20 entities, ranging from engineering and contracting firms and their vendors to their insurance carriers, are defendants in the lawsuit filed by the airport. "Twelve to 15 samples are being taken per lift," Sayre said. "All of the defendants have representatives out there." Sayer said Yeager attorney Charles Bailey and attorneys representing the Charleston airport in the lawsuit were scheduled to meet later in the day Friday with defense attorneys to discuss the possibility of sharing some of the forensic sampling costs. Since Tuesday, crews from S&E Clearing and Hydroseeding have removed about 10,000 cubic yards from the top of the slide, and were working at a point about 20 feet below runway grade on Friday. Sayre and construction committee members toured the remediation site at the end of their meeting. "I feel a lot better seeing them pulling material off the face of the slope and seeing some of the weight coming off," Sayre said. One of two gas wells drilled last year on airport property is located near the site where material from the slope failure is being compacted. Its operator has taken it out of production until earthmoving work is complete, cutting off about \$11,000 in annual royalty payments the airport has been receiving, Sayre said.

Blankenship seeks to subpoena MSHA records for trial Defense lawyers for former Massey Energy CEO Don Blankenship want the U.S. Mine Safety and Health Administration to turn over what the attorneys say are previously undisclosed documents, including any records about an in-person meeting and a phone call between Blankenship and MSHA chief Joe Main in the two months before the Upper Big Branch Mine Disaster. Blankenship's defense team has asked for court approval to subpoena the records, which they speculate in a court filing will show that government inspectors never witnessed any conspiracy to violate mine safety standards and that MSHA representatives believed prior to the April 5, 2010, explosion that killed 29 miners that Upper Big Branch was a "safe and improving mine." The maneuver adds to previous court records and Blankenship's own pre-indictment statements that hinted at a multi-pronged defense strategy: argue that the mine explosion was a natural disaster, try to convince the jury the Upper Big Branch's pre-blast safety problems have been overblown by prosecutors, and show that government inspectors either didn't warn the company of whatever dangers existed or perhaps even made the situation worse.

### **WEST VIRGINIA STATE JOURNAL**

Federal judge finds two WV surface mines in violation of clean water standards A federal judge has found discharges from two West Virginia mountaintop removal coal mines have been in violation of clean water standards. Judge Robert Chambers U.S. District Court for the Southern District of West Virginia found Aug. 12 that Consol Energy subsidiary Fola Coal Co. has committed "at least one violation" of its permits governing Fola Mine No. 2 and Fola Mine No. 6 in Nicholas and Clay counties. According to the court opinion, the mines discharged high levels of ionic pollution into Road Fork and Cogar Hollow, which are tributaries of Leatherwood Creek. The decision comes two years after the Ohio Valley Environmental Coalition, West

Virginia Highlands Conservancy and Sierra Club filed the complaint against the companies in August 2013 through provision of the Clean Water Act and the Surface Mining Control and Reclamation Act. "This is a great victory for West Virginia waters and the animal and human communities that rely on clean, healthy water to survive," Liz Wiles, Chair of Sierra Club's West Virginia Chapter, said in a statement. "This is also a reminder to the coal industry that they cannot abandon their responsibilities and leave West Virginia taxpayers with the bill and the burden of cleaning up environmental degradation left behind by coal mining." The organizations that filed the original lawsuit also alleged the company's discharges from Fola Mine No. 4A into Right Fork violated narrative water quality standards under a state NPDES permit. However, the court said the plaintiffs didn't meet their burden in establishing liability for the allegations.

Chambers previously found another Fola Coal surface mining operation to be in violation of federal water protection laws earlier this year. And at the end of 2014, Consol Energy was ordered to pay a total civil penalty of \$515,000 for selenium discharge from its Peg Fork and Fola mining operations. "Citizen enforcement has shown that the science is clear and that mine discharges have devastating effects on aquatic life," Jim Hecker, Environmental Enforcement Director at Public Justice, said in a statement. "This is the third time that a federal court has ruled, after a trial with lengthy expert testimony, that West Virginia surface coal mines are causing serious stream impairment. All three of these cases were brought by citizens, not by West Virginia or the US Environmental Protection Agency. "The court's post-trial decision today demonstrates the continuing need for citizen enforcement to protect water quality from this harmful mining pollution," Hecker said.

### **WHEELING INTELLIGENCE**

Clean Power Plan Targets Poor and 'Red' States WHEELING - President Barack Obama's Clean Power Plan will lower electricity bills for those in the luxury of Beverly Hills, Calif. and Greenwich, Conn., but will mean skyrocketing power costs and thousands of lost jobs for those in Appalachia, coal industry leaders believe. Those leaders also believe it is more than a coincidence that states which voted overwhelmingly in Obama's favor during both the 2008 and 2012 elections - such as California, Connecticut and New York - will clearly benefit at the expense of those who solidly opposed him in states such as West Virginia and Kentucky. "It looks like they said, 'Let's target part of America that has trended toward the Republican Party because the national Democrat Party has drifted so far left,'" West Virginia Coal Association Vice President Jason Bostic said. "Apparently, low-income families don't matter to the national Democrat Party if they don't live in big cities." Data compiled from the Environmental Protection Agency, the Federal Election Commission and the U.S. Census Bureau appear to support Bostic's statements. The national CO<sub>2</sub> reduction goal is 32 percent, but some states are going to have to cut their pollution levels much more than others. The more work a state has to do to curb emissions, the greater its electricity bills stand to grow. The EPA-established goal for West Virginia is to slash carbon dioxide emissions from power plants by 37 percent by the year 2030. Though traditionally a Democrat state in presidential politics, West Virginia voters solidly opposed Obama in both 2008 and 2012, as he lost the state by almost 27 points in the most recent election. However, Connecticut only has to reduce its CO<sub>2</sub> power plant pollution by 7 percent by the year 2030. This state solidly supported Obama in both 2008 and 2012, giving him an 18-point victory against 2012 Republican nominee Mitt Romney.

Coal Forum Planned for Tuesday WHEELING - Coal industry officials, academic researchers

and community leaders will converge and collaborate this week regarding methods of curtailing the impact of President Barack Obama's Clean Power Plan. The West Virginia Coal Forum, an organization representing both labor and management in the coal industry, will present "West Virginia Coal 2015 & Beyond." The event, which includes a free lunch and is open to the public, is set for 11 a.m. to 1 p.m. Tuesday at Oglebay Park's Wilson Lodge. "This is all about leading the fight against President Obama's assault on West Virginia's economy," Chris Hamilton, senior vice president of West Virginia Coal Association, said. "These plans are going to decimate our state." Hamilton said those scheduled to speak include state Senate President Bill Cole, R-Mercer; John Deskins, director of the West Virginia University Bureau of Business and Economic Research; J. Michael Myer, executive editor of The Intelligencer and Wheeling News-Register; coal association President Bill Raney and association Vice President Jason Bostic. Although there is no fee, seating is limited and registration is required. For information, call 304-957-2306. Joel Watts, administrator for the coal forum, said the new federal regulations are a tremendous threat to the state. The Clean Power Plan endeavors to curb CO<sub>2</sub> emissions from electricity plants by 32 percent by the year 2030. Meanwhile, the Mercury and Air Toxics Standards, an entirely separate set of rules, aim to mitigate mercury pollution from those power plants.

More Drilling Results in Lower Local Natural Gas Bills (Friday) WHEELING - Even if they have yet to see a benefit of the Marcellus and Utica shale boom, about 221,000 Mountaineer Gas Co. customers should soon get a break on their monthly natural gas bills because of the falling prices associated with greater supply. Mountaineer spokesman Larry Meador said starting Nov. 1, a typical user will see his or her bill drop by about 8 percent, resulting in average annual savings of \$63 a year. "When the price goes down, it is a pass-through to the consumers," Meador said. "This is the time of year for cost of gas adjustment." Though the cost of a barrel of oil is falling rapidly on the New York Mercantile Exchange, the price for a 1,000 cubic-foot unit of natural gas is also down by about \$1.20 compared to this time last year. As drillers in both Ohio and West Virginia continue pumping natural gas out of the ground, this adds to the supply that is leading the price to fall. Meador said there are two large portions to a customer's bill: the "cost of gas" and the "base rate." Along with fellow providers Dominion Hope, Bluefield Gas and Peoples Gas, Mountaineer filed a case with the Public Service Commission of West Virginia to lower the cost of gas charge they apply to customers. This section of a Mountaineer customer's bill will drop by about 20 percent per month from about \$6.29 per unit to \$5.04 per unit. However, Mountaineer previously asked the commission to allow it to increase the base rate on customers by an average of 4.7 percent. Although this matter is still being resolved, Meador said he anticipates the sides will agree on a 3 percent increase for this component of the customer's bill. The net impact of raising the base rate, while lowering the cost of gas, should result in the 8 percent monthly break for customers, Meador said.

Murray Energy Expands Into South America (Friday) ST. CLAIRSVILLE - As hundreds of local Murray Energy Corp. coal miners hope to receive calls to go back to work, the firm is expanding its operations internationally by acquiring Colombia Natural Resources in the South American nation. Though financial terms of the deal were not disclosed, Murray officials said the acquisition includes two developed surface mining operations, three undeveloped mines, over 184 million tons of coal reserves, a coal port facility, partial ownership of a railroad line, 11 locomotives, 530 railcars and other related assets. "As the U.S. coal industry continues to be

under attack for elimination by the Obama administration, we must look to international markets to ensure our survival," Robert E. Murray, chairman, president, CEO and founder of the company, said. "We are very excited about this new venture, which solidifies Murray Energy's position as a premier coal producer and exporter in the international marketplace." "This is truly a transformative transaction for Murray Energy. Acquiring assets in Colombia will broaden our international presence in an attractive market and position ourselves to better serve our customers around the world," Robert D. Moore, Murray's executive vice president, chief operating officer and chief financial officer, added.

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## MARYLAND

### **EASTON STAR DEMOCRAT**

Commentary: Many groups working for Bay cleanup Presently, there are numerous forces at play attempting to clean up and revitalize the Chesapeake Bay. The July 26th *Star Democrat* article entitled, "Bay council releases management strategies," mentioned the Chesapeake Executive Council and the Chesapeake Bay Watershed Agreement. Last month I discussed the Chesapeake Bay Clean Water Blueprint and Chesapeake Bay Foundation's State of the Bay Report Card. I thought it might behoove us all to give a brief rundown of the entities, legislation and monitoring mechanisms that co-exist in the name of bettering the Bay. I often cite information from the Chesapeake Bay Foundation (CBF), who is a major player in restoration efforts. In their own words, "CBF acts as a watchdog to elevate good practices for healing our waterways, while being vigilant in opposing projects or proposals that would degrade water quality. Our scientists submit comments to governing bodies regarding fisheries management, wetlands mitigation, storm water issues, construction and development projects and more." In addition to compiling their bi-annual State of Bay Report Card, CBF monitors Bay health for the Chesapeake Bay Clean Water Blueprint. According to CBF, "In December 2010 the Environmental Protection Agency (EPA) exercised its Clean Water Act authorities by releasing enforceable pollution limits for nitrogen, phosphorus, and sediment pollution in the Chesapeake Bay. Subsequently the six Bay states and the District of Columbia released their plans to meet those limits by 2025. Together the pollution targets and the states' plans comprise a Clean Water Blueprint for the Chesapeake and its rivers and streams." The Blueprint incorporates scientific estimates for Total Maximum Daily Load (TMDL), which is the maximum amount of pollution a body of water can accommodate and still meet water quality standards. In order to achieve required Blueprint pollution reductions, each state has adopted Watershed Implementation Plans, or WIPs. Maryland's WIP establishes practices needed to achieve 60 percent of the needed pollution reductions by 2017, and completes the job by 2025. In addition, it developed two-year milestones that specify the practices they intend to implement every two years, progressing toward those long-term goals. Last month CBF, along with the Choose Clean Water Coalition, released an analysis of how well the watershed states are meeting their milestones for the Blueprint and Maryland was mostly on track to meet its goals. The Blueprint has been pretty successful, considering ineffective past initiatives to clean up the Bay. There are opponents, however, like the American Farm Bureau Federation, the Fertilizer Institute, the National Pork Producers Council, the National Chicken Council, the National Association of Home Builders and other lobbying groups who are trying to eliminate the pollution limits. On July 6, the U.S.

Court of Appeals upheld the regulations set by the Blueprint but the opponents still have 90 days to seek an appeal with the U.S. Supreme Court. The litigation team at CBF helped lead intervenor support.

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## VIRGINIA

### **ALEXEXANDRIA CONNECTION**

Lorton: Community Members Call for More Giles Run Clean-up (Friday) Bill Niedringhaus was just scouting new hiking trails along Giles Run creek in the Lorton area. But in his November 2014 exercise, he discovered thousands of used tires and other discarded automotive parts in the area. Not only was it not suited for trails, he saw it as an environmental hazard. Niedringhaus contacted Joe Chudzik, an environmental activist from Mason Neck, who organizes stream clean-ups together with his local Lions Club chapter. Chudzik took on the issue and began filing complaints with various government agencies. Though part of the land where tires and other trash were located is privately owned by AAAACO Auto Parts, Chudzik believes much of the debris further down in public areas of the creek originated from that property. Chudzik's complaint was referred to the Fire Marshal's office, which deals with hazardous materials such as old tires, in November 2014. Officials from that office investigated the situation, which resulted in the owner of the property removing many of the tires within the scope of the business' land. It's unknown when all the tires and other automotive parts were dumped on and beyond the company's property, though some of the materials appear to have been embedded in the earth for longer than the owners have been there, according to reports from the Fire Marshal investigation. IN A LETTER to Chudzik, Board of Supervisors chairman Sharon Bulova gave the status update that under the Fire Marshal's supervision, 4,000 tires have been removed from the site since Chuzik first filed his complaint. "The property owner has voluntarily complied and has continued to take steps to address the issue," Bulova writes. "The Fire Marshal requested [Virginia Department of Environmental Quality's] assistance regarding the remaining tires. We have given the [Department of Environmental Quality] the Fire Marshal's investigation report and they will continue to investigate this issue. Though the number sounds significant, Chudzik and South County Federation president Nick Firth say more needs to be done. "We're a long way from feeling satisfied that we've made any progress," Firth said. In June, the Federation passed a resolution to be presented to the Board of Supervisors that calls on Fairfax County to take action if more of the debris isn't cleaned up in the next several months.

### **CHARLOTTESVILLE DAILY PROGRESS**

Pipeline surveyors charged with trespassing (Friday) ROANOKE — Glenn Frith believed he'd done everything necessary to keep pipeline survey crews off his property in Franklin County. So when he spotted surveyors on his land, he felt blindsided and angry. "I told the first guy, 'What part of "no trespassing" don't you understand?'" Frith recalled. The July 30 confrontation Frith said he had with members of a surveying contractor working for Mountain Valley Pipeline led to two surveyors being charged with misdemeanor trespass — although a Virginia law would seem to shield them from such charges. Frith said confusion about that law could lead to tragic consequences, especially in Franklin County. "People here are protective of their land," he said. Survey crews are in the field in both Virginia and West Virginia, working to identify a route for

the proposed 42-inch diameter natural gas transmission pipeline pending Federal Energy Regulatory Commission approval. There seems to be confusion, too, about the circumstances under which survey crews will obey when a property owner asks them to leave. Mountain Valley has said publicly that it would tell survey crews to leave a property if the owner objected to their presence, although Virginia law seemingly does not require such compliance. Richard Caywood, Roanoke County's assistant county administrator, and Franklin County Sheriff Bill Overton both said separate conference calls with Mountain Valley left them with the same impression. But in an Aug. 6 email to Caywood, pipeline project manager Shawn Posey wrote that the company "had stated that we would leave the property respectfully if the landowner became physical or belligerent." That distinction was news to both Caywood and Overton. Overton said Thursday the Franklin County trespassing charges came after the survey crew, according to Frith, did not immediately leave Frith's property when he asked them to. Yet state statute 56-49.01 allows natural gas companies to enter private property without an owner's permission as long as the company has followed notification procedures outlined in the law, including certified letters declaring the company's intent to enter the property and identifying the dates of entry. The law states that "any entry authorized by this section shall not be deemed a trespass."

## **PETERSBURG PROGRESS**

State and federal agencies look to protect endangered and impacted wildlife near Stony Creek  
(Friday) The fecal Coliform, a bacteria found in water that is associated with animal or human waste, that was discovered in Stony Creek July 31, is also having an effect on wildlife.  
DINWIDDIE — An advisory that was placed on Stony Creek in Dinwiddie two weeks ago today is still in effect but with new developments. The fecal Coliform, a bacteria found in water that is associated with animal or human waste, that was discovered in the creek July 31, is also having an effect on wildlife. "There was a 100 percent mortality with Asian Clam," said Lee Walker, outreach director with Virginia Department of Game and Inland Fisheries. "The substrate was littered with Asian Clams and the shells still contained some soft tissue, but it was evident they had died days before. They also found two dead native mussels." Investigators are also worried about the federally endangered Roanoke logperch, a small freshwater fish that is known to frequent Stony Creek. "[The logperch] requires clear streams," said Brett Hillman, fish and wildlife biologist with the U.S. Fish and Wildlife Service. "So the safety of this creek is crucial to the continued existence of the species." Hillman added that investigators aren't just concerned with Stony Creek, but neighboring bodies of water as well. "There is another federally endangered species we're concerned about. That's the Dwarf Wedgemussel. It's known in the Nottoway River watershed, and Stony Creek flows into the water way. We're not just worried about Stony Creek, we're worried about downstream impacts into the Nottoway River," he said. The reason for the impact on wildlife, Hillman said, is the increase in bacteria presence and lack of oxygen. "For wildlife, elevated bacteria isn't good for anything. Another concern is the lack of oxygen in the river. That's a really big concern for us because very few aquatic species can survive without oxygen for an extended period of time," he said. A number of state and federal organizations are helping with the investigation of Stony Creek. These organizations include the Virginia Department of Environmental Quality, Virginia Department of Game and Inland Fisheries, the U.S. and Virginia Department of Agriculture, U.S. Fish and Wildlife Service as well as the Virginia Health Department.

# MISCELLANEOUS

## **BNA DAILY ENVIRONMENT REPORT**

EPA Proposes Methane More Stringent Limits for Landfills The Environmental Protection Agency proposed Aug. 14 to significantly reduce the threshold that would require existing municipal solid waste landfills to capture emissions of landfill gas. The proposal (RIN 2060-AS23) would lower the landfill gas control threshold from 50 metric tons of non-methane organic compounds per year currently to 34 metric tons for active landfills, the same threshold it proposed for new landfills in a separate supplemental proposed rule (RIN 2060-AM08) also released Aug. 14. Setting a single emissions threshold for both new and existing landfills makes sense, because there is little difference in their operations, Anne Germain, director of waste and recycling technology at the National Waste & Recycling Association, told Bloomberg BNA Aug. 14. Though setting a single threshold is desirable, waste management groups including the National Waste & Recycling Association had reservations about the availability of controls to achieve the 40 tons per year threshold the EPA had originally proposed for new facilities in 2014. "The thresholds are a little lower than we had hoped for or requested," Germain said. Environmental groups such as the Environmental Defense Fund, Friends of the Earth and Center for Biological Diversity had pressed the EPA to set more stringent methane standards for landfills.

Special Report: Power Plan's Justice Actions Part of EPA Trend The EPA's efforts to protect vulnerable communities under its landmark Clean Power Plan rule are hailed as unprecedented, with many Washington observers saying it is part of a trend at the agency to assess and address more thoroughly environmental justice in its rules. The impacts of the increase in outreach and analyses found in EPA rules is modest. However, the institutionalizing of processes for addressing environmental justice could improve prospects moving forward.

No Formal Approval Needed for Anti-Degradation Methods States and authorized tribes won't need approval from the EPA for methods they use to protect water quality from being degraded through development or other activity that could lead to discharges of pollutants. Instead, the EPA is requiring states and tribes to provide an opportunity for public involvement during the development and any subsequent changes to anti-degradation implementation methods, and to make those methods available to the public.

## **GREENWIRE**

Mine spill reveals larger problems facing EPA (Friday) It will take many years and many millions of dollars to manage the toxic wastewater that spewed a 100-mile-long torrent of heavy metals into Western rivers, experts said, but hundreds of thousands of abandoned mines remain to be cleaned. Since simply plugging Colorado's Gold King Mine could lead to an eventual explosion of poisonous water elsewhere, the safest solution would be to install a treatment plant that would indefinitely clean the water from Gold King and three other nearby mines. It would cost millions to build and operate and would do nothing to contain the thousands of other toxic

streams that are a permanent legacy of mining nationwide. "They have been not pursuing the obvious solution," said Rob Robinson, a retired abandoned mines cleanup coordinator for the Bureau of Land Management. "My hope is this has embarrassed the hell out of them and they're going to finally take it seriously." A U.S. EPA crew accidentally caused the recent spill while working at Gold King. There are about 500,000 abandoned mines nationwide, and EPA has estimated it will cost between \$20 billion and \$54 billion to clean them all. Under the federal Clean Water Act, the mine owner is supposed to control discharges, but Gold King's landowner, Todd Hennis, is not considered legally responsible for the cleanup because the mine stopped operating in 1923, long before the modern era of environmental protection. "A lot of these are mom-and-pops, they've inherited the property or they bought it years ago before the environmental laws were passed, and they just don't have the resources," said Doug Jamison with the hazardous materials division at Colorado's state health department.

CLEAN POWER PLAN: New lawsuit's goal: Secure right-leaning judicial panel (Friday)  
Yesterday's bid by 15 states asking a federal court to block U.S. EPA's landmark Clean Power Plan contained little new information about their objections to the rule. But it did illuminate a key aspect of their legal strategy: retaining the same three Republican-appointed judges who considered an earlier, premature challenge to the regulations before they were finalized. Led by West Virginia, the states yesterday asked the U.S. Court of Appeals for the District of Columbia Circuit to take the unusual step of granting an emergency stay of the landmark greenhouse gas standards for power plants, which would put the rules on hold pending the resolution of litigation (*EnergyWire*, Aug. 14). The D.C. Circuit typically doesn't entertain challenges to Clean Air Act regulations before they are published in the *Federal Register*. The Clean Power Plan has yet to be published, leading supporters of the regulations to criticize the latest attempt by critics to bypass the usual judicial review process. But from a legal strategy perspective, the most important document filed at the D.C. Circuit yesterday may not have been the stay request but a motion to consolidate the new filing with a previous D.C. Circuit case on the greenhouse gas rules when they were in their proposal stage. If the D.C. Circuit agrees to consolidate the two cases -- and there is significant disagreement about whether it would -- that may preserve the three-judge panel that heard the earlier case.

LAKE ERIE: USDA offers \$5M to help farmers curb pollution (Friday) The Agriculture Department will set aside an additional \$5 million to help farmers implement water quality measures in the western Lake Erie basin as the region braces for the peak of algae bloom season. USDA's Natural Resources Conservation Service will make funds available through the Environmental Quality Incentives Program (EQIP) for Ohio, Michigan and Indiana growers. "A problem as complex as this one will demand wide attention, from agriculture to municipalities, and we will continue to work with the Western Lake Erie Basin Partnership and other partners across the region to find common ground to address water quality issues in the basin," Agriculture Secretary Tom Vilsack said in a statement. Democratic senators from the Great Lakes region sent Vilsack a letter last month requesting additional funding through EQIP to prevent a massive algae bloom. The National Oceanic and Atmospheric Administration has said Lake Erie could face its worst algae bloom this summer since its record-breaking one in 2011 (*E&ENews PM*, July 31). Poor management of fertilizer and manure can lead to nutrient runoff into Lake Erie, where nitrogen and phosphorus help feed toxic and oxygen-robbing algae. The lake's shallow water, warmth and invasive zebra mussels also encourage algae blooms each

summer. NRCS has already invested about \$7.6 million this year to help western Lake Erie basin producers adopt conservation practices, according to the agency.

## **NPR**

A Week Since The EPA Spill, Coloradans Look Back On How It Happened The Environmental Protection Agency accidentally released millions of gallons of pollutants into a Colorado river last week. John Flick, owner of a fishing shop in Durango, Colo., discusses the spill.

TESS VIGELAND, HOST: It's been more than a week since 3 million gallons of wastewater poured from an old gold mine into Colorado's Animas River. The EPA says it takes full responsibility for that leak, which turned the river a nasty mustard color with a plume of waste that included lead and mercury. The waste flowed down stream through Utah, New Mexico and the Navajo Nation. In Colorado, the river officially reopened to recreation on Friday but with warnings about the water. Earlier, I spoke with John Flick, who owns the Duranglers - a fly-fishing shop in Durango, Colo., and I asked him how he first heard about the spill.

JOHN FLICK: We have a fishing tournament every year, and it happened to be that weekend. And so some of the fishermen were up in Silverton the day before we were supposed to start and said hey, there's a big orange ball of water coming your way. And I'm like yeah, sure, thanks for the joke. And they said I wish it was a joke. And so that's how I found out about it.

EPA Chief: 'Holding Ourselves To A Higher Standard' (Audio link) NPR's Scott Simon asks EPA administrator Gina McCarthy about the toxins released into a Colorado river this week by an EPA contractor working on a shuttered gold mine.

SCOTT SIMON, HOST: Boaters can go back to the Animas River. The Environmental Protection Agency is cleaning up political, as well as environmental damage, after this month's toxic spill at the Gold King Mine in Colorado. An EPA contractor accidentally released heavy metals into the Animas River during work to stop toxins from leaching out of the mine, which was shut decades ago. That spill turned the river into an unnatural yellow-orange ribbon that ran through the landscape. Gina McCarthy is administrator of the Environmental Protection Agency, and she joins us now. Administrator McCarthy, thanks very much for being with us.

GINA MCCARTHY: It's great to be here, Scott. Thanks for the invitation.

SIMON: And has that flow of toxins downstream been stopped?

MCCARTHY: Well, actually the plume has been moving down, and it's dissipated. And now the challenge for us is to make sure that we take a look at water quality, see what kind of users can return and then stay there for a while, while we look to make sure that the entire river is cleaned up from any damage associated with the spill. EPA has to take full responsibility, both today and in the future, for this.

SIMON: Do you know yet what and how this happened?

MCCARTHY: Not in detail, Scott, but, I mean, the important thing to remember is EPA was out there taking a look at assessing this mine because we knew that there was contamination from the mining areas entering into these rivers, and it had been going on for decades. But the important thing to remember is that these mining operations do leave wastewater behind, and three million gallons of it is what was released. And we feel terrible about that as the agency that's really working to make sure that this type of contamination doesn't happen. But there is a legacy issue here that we all have to turn our attention to.

SIMON: The legacy issue being - what? - thousands of mines - aren't there? - throughout the West.

MCCARTHY: Thousands of mines are there, yes. This is not by any means a situation that we're going to resolve just to take care of this three million gallon spill. This is thousands of mines in Colorado alone. And there is a need to throw some significant resources to this issue if we expect to get our arms around it and not see anything like this ever happen again.

### **NEW YORK TIMES**

Colorado Spill Heightens Debate Over Future of Old Mines SILVERTON, Colo. — When the mine here opened in the early 1890s amid a frenzy of frontier gold exploration, its founders gave it a lofty name: the Gold King, reflecting their great hopes for finding riches in its depths. Over the next decade, the Gold King went on to become one of the most productive mines in Colorado's San Juan County, with three shifts of men working 24 hours a day in its dark corridors. But the mine's prosperity proved short-lived. When the economy hit a recession in the early 1920s, its operators abandoned it, with open tunnels that filled with snowmelt and rainwater that eventually turned to acid, leaving behind a toxic legacy that this region has struggled to clean up for decades. Then, on Aug. 5, the Gold King split open while a team contracted by the Environmental Protection Agency was investigating the source of a leak. The accident sent a yellow plume south into the Animas River and turned Western waterways into a mustard ribbon, causing three states and the Navajo Nation to declare states of emergency. The accident heightened a debate here over the future of this region's old mines, and served as a reminder, some critics say, that the Gold King's toxic demise could be repeated at any of thousands of abandoned mines around the country. "Our initial economy was largely driven by mining," Gov. John Hickenlooper said in an interview last week at the State Capitol, a building with a gold-leaf dome that pays homage to this history. "But it left us a sad legacy of these sites that are going to need significant resources to fix. Damage that no one understood or realized that this was going to be an issue."

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